THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27495 of 1996

Dated: 04.07.2006

Between
1.Kondapaka Narayana
and others.

…..Petitioners

and

1.Government of Andhra Pradesh rep.,
by its Principal Secretary, Irrigation
and Command Area Development,
Secretariat, AP Hyderabad and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27495 of 1996

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not putting the petitioners in possession of the lands for which pattas were granted to them pursuant to sub mergence of their lands and village in the Sriram Sagar Project, which was confirmed by the 5th respondent vide proceedings No.D5/7462/83 dated 16.6.1984 as illegal and arbitrary and consequently direct the respondents to compensate the petitioners for the loss of the crops from the year 1973 till the date and to induct the petitioners into lawful possession.

There is no necessity to go into all the details. It is an admitted fact that pursuant to the sub mergence of the lands and village of the petitioners in the rehabilitation programme, the petitioners were allotted certain extents of lands in various villages and patta certificates were also issued in their favour. But it is their case that they were not put in effective physical possession of the proposed assignment to them. Some encroachers in the village have created obstructions and therefore, the petitioners have earlier filed a writ petition before this Court. Ultimately, the 6th respondent was directed to conduct an enquiry. The 5th respondent conducted a detailed enquiry into the matter and submitted a report stating that the petitioners are lawfully

entitled to be rehabilitated and directed the authorities to put them in possession through his proceedings No.D5/7462/83 dated 16.6.1984. Further the Government of A.P. issued GOMS.No.898 dated 3.10.1973 stating that unless all the displaced persons are rehabilitated, no assignment of lands should be made by the Government or any of its agencies insofar as Sri Ram Sagar Project covered areas are concerned.

Now the grievance of the petitioners is that the respondents are duty bound in law to place the petitioners in possession of the lands for which pattas have been granted and also to compensate the petitioners from the date on which they were originally granted pattas i.e., 1973.

A detailed counter has been filed admitting that the lands were allotted and patta certificates were issued in favour of the petitioners. However, it is further stated that the possession of allotted lands have also been handed over to the petitioners on 13.06.1985 and 19.6.1985 by the Special Deputy Tahsildar of Special Deputy Collector Rehabilitation cum LA unit SRSP in the presence of Dy. IOC Special Revenue Inspector, Village Assistant and local persons. The signatures of the petitioners have been obtained in a separate register having received the possession of lands by the Special Deputy Collector, L.A cum LOC Unit, SRSP. The Sub Divisional Magistrate and Revenue Divisional Officer, Nizamabad has invoked Section 145 of CrPC and 146 CrPC for maintenance of Law and Order in the village. After trial of the case, by giving opportunity to both the parties, final orders have been passed on 24.08.1986 on receipt of further report from Mandal Revenue Officer, Balkonda that there is no breach of peace in the village.

According to the respondents, the lands were allotted and possession was also given to the petitioners, and there is no encroachment over the land at the time of handing over the possession. As a matter of fact the petitioners should stay in the village and bring the lands allotted to them under cultivation. Instead of that, the petitioners took possession and left the village and failed to protect their lands from unauthorized encroachments, due to which, law and order problem arisen. The Sub Divisional Officer and Revenue Divisional Officer, Nizamabad initiated proceedings under Section 145 CrPC and safeguarded the lands of the petitioners.

Be that as it may. The facts are not in dispute and some of the petitioners were not factually put in possession of the property.

In the facts and circumstances of the case, the 7th respondent is directed to reconsider the matter with the help of the revenue officials, if necessary, within a period of two months from the date of receipt of a copy of this order and put the petitioners in physical possession of their respective lands, allotted as per the earlier orders, and give them police protection, if necessary,

Writ petition is disposed of accordingly. No costs.

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04.07.2006

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